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VB

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/121,849 | 07/24/98 | GARFIELD | R SCH1237DI |

023599 HM22/0228
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EXAMINER

LILLING, H

| ART UNIT | PAPER NUMBER |
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1651

18

DATE MAILED: 02/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Ser.No. 09/121,849
Art Unit 1651



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EXAMINER

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The reply filed on February 05, 2001 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): Applicant did not elect the species requirement as noted in paragraph 7 of the last Office action:

7. This application contains claims directed to the following patentably distinct species of the claimed invention:

I. Whereby the composition and processes contain

- a. nitric oxide synthase substrate
- b. nitric oxide donor

and

whereby the nitric oxide donor is
selected from the group consisting of:

- bi. sodium nitroprusside
- bii. nitroglycerin
- biii. glyceryltrinitrate
- biv. SIN-1
- bv. isosorbidmononitrate or
isosorbiddninitrate

c. both a and b.

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- II. Whereby compositions and processes contains
- i. cyclooxygenase inhibitor
 - ii. a compound containing PGI₂-agonistic and TXA₂-inhibiting properties,
 - iii. compound possessing TXA₂-antagonistic and PGI₂-memetic activities and whereby the memetic is
 - iiia. iloprost
 - iiib. cicaprost
 - iv. TXA₂ antagonist
 - v. a thromboxane (TXA₂) inhibitor
 - vi. more than one of the above-please specify
 - vii. composition or processes absent i-vi.

Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 14 are generic.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

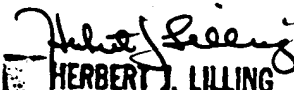
Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. M.P.E.P. § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lilling whose telephone number is (703) 308-2034. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

H.J.Lilling: HJL
(703) 308-2034
Art Unit 1651
January 02, 2001

Serial No. 09/121,849


HERBERT J. LILLING
PATENT EXAMINER
GROUP 1600 ART UNIT 1651